

AN ORDINANCE

03- 0 -0084

BY: COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO DIRECT THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT (BUREAU OF HOUSING AND CODE COMPLIANCE) TO CLEAN AND CLOSE THE PREMISES OF VARIOUS STRUCTURES, PURSUANT TO ARTICLE III OF THE ATLANTA HOUSING CODE AND A HEARING CONDUCTED BY THE IN REM REVIEW BOARD ON December 31, 2002.

| | |
|--------------------------------|-----------|
| 169 Ashby Street, NW | 03 |
| 315 English Circle, SW | 10 |
| 247 Polar Rock Road, SW | 12 |

WHEREAS, on March 16, 1987, the Council of the City of Atlanta adopted an Ordinance entitled, "The Atlanta Housing Code of 1987"; and the same was approved by the Mayor of the City of Atlanta on March 24, 1987; and

WHEREAS, on February 28, 2002, pursuant to the Atlanta Housing Code of 1987, Article III; entitled "In Rem Procedures", hearings were held after due notice to owner(s) of and/or parties in interest before the In Rem Review Board regarding certain structures believed to be unfit for occupancy or habitation and to be in violation of Article III; and

WHEREAS, on February 28, 2002, The In Rem Review Board determined that the structures on the real property more fully identified hereinafter, were unfit for human occupancy or habitation and could not be improved, repaired, or altered at a cost of fifty percent (50%) or less of the value of structures, exclusive of the foundation and lots after the improvements have been made; and

WHEREAS, the In Rem Review Board did state in writing these findings of fact in support of such determination and the In Rem Review Board issued and caused to be served upon the owner(s) of and /or parties in interest, an Order requiring the owner(s) and/or parties in interest demolish such structures, clean the premises and plant grass on the lot pursuant to Section 33 (3) c of the Atlanta Housing Code; and

WHEREAS, a period of 30 days from the date of said Order was allowed for the owner(s) and/or parties in interest to comply with the Order; and

WHEREAS, the owner(s) and/or parties in interest of the properties failed to comply with the Order of the In Rem Review Board within the specified time.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: That the Mayor is authorized to direct the Department of Planning and Community Development (Bureau of Housing and Code Compliance) to clean the premises and close the various structures following real property, upon which structure(s) are located:

| <u>Proper Street Address</u> | <u>City Council District</u> |
|-------------------------------------|-------------------------------------|
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SECTION 2: That the Mayor is hereby authorized to direct the Department of Planning and Community Development (Bureau of Housing and Code Compliance) to perform the following specific duties at the above mentioned properties:

- (1) Vacate the structures, (if occupied).
- (2) Clean the premises and board the structures(s) in conformity with the In Rem Review Board's Orders.
- (3) File a lien against the real property on which the structures(s) are attached for the cost incurred.
- (4) Maintain the property in conformity with the In Rem Review Board's Order until the structure(s) are repaired or demolished.

SECTION 3: That the Mayor is further authorized to allow the Department of Planning, Development, and Neighborhood Conservation (Bureau of Neighborhood Conservation) to engage the professional services of any of the City of Atlanta's pre-qualified contractors to conduct the appropriate duties listed in **SECTION 2** of this ordinance.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

TO WHOM IT MAY CONCERN: LIS PENDENS

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Wendy Williams

Paul S. Lowe and Fidelity National Bank as Custodian for J. Riccard Sdira

Mortgage Electronic Registration Systems, Inc. as Nominee for Ingomar, L.P.

12-13-02

on in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 110 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST SIDE OF ASHBY STREET 50 FEET NORTH OF THE NORTHEAST CORNER OF ASHBY STREET AND FOUNDRY STREET; THENCE RUNNING ALONG THE EAST SIDE OF ASHBY STREET 41 FEET 0 INCHES; THENCE EAST 100 FEET TO A 10 FOOT ALLY THENCE SOUTH 1 FOOT 8 INCHES; THENCE WEST 100 FEET TO A POINT OF BEGINNING, BEING IMPROVED PROPERTY KNOWN AS 169 ASHBY STREET, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING HOUSES IN THE CITY OF ATLANTA.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: December 13, 2002

BY: *Dale S. Hargood*
Bureau of Neighborhood Conservation, Official Agent
(404) 330-6195
BY: *Bill Canty*
Assistant Real Estate City Attorney

TO WHOM IT MAY CONCERN: LIS PENDENS

Notice is hereby given that a complaint was filed by the City of Atlanta against:

**Edward J. Thomas
Federal National Mortgage Association**

12-13-02

on _____ in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

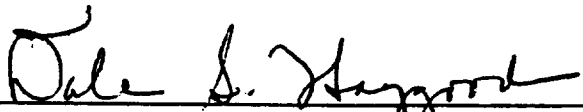
ALL that tract or parcel of land lying and being in Land Lot 245 of the 14th District, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at the corner formed by the intersection of the northwesterly side of English Circle and the southwesterly side of English Drive; running thence south 51°20'30" west 270.0 feet to an iron pin found; running thence north 41°44'00" west a distance of 272.60 feet to an iron pin found (said iron pin being 148.1 feet east of the west line of the 14th District of Fulton County); running thence south 84°54'39" east a distance of 394.0 feet to the point of beginning; being a triangular tract or land and being improved property known as 315 ENGLISH CIRCLE, S. W., Atlanta, Georgia, all as shown on survey prepared for Edward L. Thomas by Georgia Land Surveying Co., Inc., on October 23, 1984.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: December 13, 2002

BY:


Bureau of Neighborhood Conservation, Official Agent
(404) 330-6195

BY:


Assistant Real Estate City Attorney

TO WHOM IT MAY CONCERN: LIS PENDENS

Notice is hereby given that a complaint was filed by the City of Atlanta against:

Isaiah Mitchell
EquiCredit Corporation of America
Vesta Holdings, I, LLC as Nominee for Heartwood II

12-13-02

on in the Bureau of Neighborhood Conservation of the City of Atlanta, Georgia,
seeking relief against the following described real estate, to-wit:

All that tract or parcel of land lying and being in Land Lot 70 of the 14th District of Fulton County, Georgia, being a part of Lot 3, of LaFayette Park Subdivision, as per plat recorded in Plat Book 10, Page 162, Fulton County Records; and being more particularly described as follows:

BEGINNING at a point formed by the intersection of the northeasterly side of Polar Rock Road with the northwesterly side of Bicknell Street; thence northeasterly along the northwesterly side of Bicknell Street 135.3 feet to a point; thence northwesterly along the southwesterly side of Bicknell Street 121.3 feet to a point; thence continuing northwesterly along the southwesterly side of Bicknell Street 15 feet to a point; thence southwesterly, along the southeasterly side of a tract of land conveyed to Mrs. Suic by W.F. Greer, 211.6 feet to a point on the northeasterly side of Polar Rock Road; thence southeasterly along the northeasterly side of Polar Rock Road, 74.3 feet to the point of beginning; and being known as 247 Polar Rock Road, S.W., Atlanta, Fulton County, Georgia 30312.

The relief sought as to said property being to vacate, clean and close, remove or demolish such buildings, dwellings, or structures (and clean the premises thereof) found to be unfit for human habitation. This notice is filed in the Office of the Clerk of Superior Court of Fulton County, Georgia, to be recorded as provided by Georgia laws 1966, page 3089, so that said complaint shall act as a lis pendens as to such real property.

Dated: December 13, 2002

BY:

Dale L. Huggett
Bureau of Neighborhood Conservation, Official Agent
(404) 330-6195

BY:

Bill Castner
Assistant Real Estate City Attorney

To Mayor's Office: Greg Pridgeon

(for review & distribution to Executive Management)

Commissioner Signature 

Director Signature 

From: Originating Dept. Housing Demolition Contact (name) Dale Haygood - 6195

Committee(s) of Purview: Comm. Dvlpmt./HR Committee Deadline: Jan. 17, 2003

Committee Meeting Date(s) Jan. 28-Feb 11, 2003 City Council Meeting Date: Feb. 03, 2003 -Feb. 17, 2003

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BACKGROUND/PURPOSE/DISCUSSION:

Owner(s) and/or Parties in interest at above properties did not repair or demolish the structure and clean the premises in accordance with the Atlanta Housing Code of 1987.

FINANCIAL IMPACT (if any): Approximately \$3,200.00

(The actual calculations are not made until the property is released to the contractor. The cost for cleaning and boarding the property is calculated for each structure depending on the number of window and door openings and the trash and debris that is removed).

OTHER DEPARTMENT(S) IMPACTED: _____

Coordinated Review With: _____

Mayor's Staff Only

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Received by Mayor's Office: 1/13/03
(date)

Reviewed: 
(initials) (date)

Submitted by Council: _____
(date)

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended
☐ Substitute ☐ Referred ☐ Other